

AARON D. FORD
Attorney General
KYLE L. HILL, (Bar No.16094)
Deputy Attorney General
State of Nevada
Office of the Attorney General
1 State of Nevada Way, Ste. 100
Las Vegas, Nevada 89119
(702) 486-0429 (phone)
(702) 486-3768 (fax)
Email: khill@ag.nv.gov

*Attorneys for Defendants Martin
Naughton, M.D., Carol Alley, M.D.,
Gaylene Fukagawa, Vanessa Timbreza,
and Melissa Mitchell*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JAMES EDWARD SCOTT, III,

Plaintiff,

v.

NAUGHTON, *et al.*,

Defendant.

Case No. 3:23-cv-00257-MMD-CLB

**ORDER GRANTING
DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO FILE
MOTION FOR SUMMARY
JUDGMENT
(First Request)**

Defendants, Martin Naughton, M.D., Carol Alley, M.D., Gaylene Fukagawa, Vanessa Timbreza, and Melissa Mitchell, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Kyle L. Hill, Deputy Attorney General, hereby move this Court for an extension of time to file a Motion for Summary Judgment. This is the first request to extend the subject deadline.

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is a *pro se* prisoner 42 U.S.C. § 1983 civil rights claim brought by offender, James Scott (Scott). On October 2, 2024, this Court entered a scheduling order with a discovery deadline of March 31, 2025, and a dispositive motion deadline of April 30, 2025. ECF No. 19.

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Counsel for Defendants has been diligently working on this matter, but does not believe the Motion will be ready to file by the currently scheduled deadline. Further, the dispositive motion deadline in USDC Case No. 3:23-cv-00273-ART-CLB is also April 30, 2025, and counsel has been attempting to work on both motions to have ready to file. Unfortunately, counsel does not believe either will be ready to file by April 30, 2025.

As such, Defendants now file a Motion for Extension of Time to File Motion for Summary Judgment (First Request) and request an additional twenty-three (23) days to file their summary judgment motion in this matter.¹

II. ARGUMENT

Defense counsel respectfully requests a twenty-three (23) day extension of time to file Defendants' dispositive motion from the current deadline of April 30, 2025, until May 23, 2025. Defense Counsel has been diligently working on this matter, however, due to an increased workload over the past several weeks, counsel does not believe the motion in this matter will be ready to file by April 30, 2025. Counsel needs additional time in order to properly brief the matter and ensure it is adjudicated on the merits.

A. Current Deadlines

Dispositive motion deadline: April 30, 2025

Joint pretrial order (if no dispositive motions filed): May 30, 2025

B. Proposed Deadlines

Dispositive motion deadline: May 23, 2025

Joint pretrial order (if no dispositive motions filed): June 23, 2025²

C. Good Cause Supports this Request

Federal Rule of Civil Procedure 16(b) allows parties to request extensions of deadlines set in the Court's scheduling order. Defense Counsel believes staggering the

¹ The Defendants in USDC 3:23-cv-00273-MMD-CLB are requesting an extension of forty-five (45) days to file any dispositive motions in that matter, and so wish to stagger a requested extension in this matter as to avoid having multiple deadlines fall on the same day. As such, Defendants request 23 days as to avoid extending the deadline to a day where a dispositive motion in another case is scheduled to be filed.

² The 30th day falls on Sunday, June 22, 2025, therefore the date was adjusted accordingly.

dispositive motion deadlines in this and another matter where the scheduling order issued on the same day would be in the interest of all parties and would further serve the interests of judicial economy. Additionally, counsel for Defendants needs additional time due to an increased workload that has occurred within the previous month which have unfortunately resulted in some delays in counsel's normal schedule. Defendants assert that the requisite good cause is present to warrant the requested extension of time.

III. CONCLUSION

Defendants respectfully request this Court extend the deadline for dispositive motion in this matter. Defendants assert the requisite good cause is present to warrant an extension of time. The request is timely. Therefore, the Defendants request additional time, up until **May 23, 2025**, to file dispositive motions in this matter.

DATED this 25th day of April, 2025.

AARON D. FORD
Attorney General

By: /s/ Kyle L. Hill
KYLE L. HILL, Bar No. 16094
Deputy Attorney General

Attorneys for Defendants

ORDER

IT IS SO ORDERED.

DATED: April 28, 2025


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada and that on this 25th day of April, 2025, I electronically filed the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT (First Request)**, via this Court's electronic filing system. Parties that are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, addressed to the following:

James Edward Scott #1207166
3800 NW 63rd Drive
Gainesville, FL 32606



An employee of the
Office of the Attorney General